

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

AGA Medical Corp.,

Plaintiff,

v.

W. L. Gore & Associates, Inc.,

Defendant.

No. 0:10-cv-03734-JNE-JSM

**DECLARATION OF TARA C. NORGARD IN SUPPORT  
OF AGA’S MOTION TO EXCLUDE CERTAIN TESTIMONY OFFERED BY  
MR. DONALD A. GOROWSKY**

I, Tara C. Norgard, hereby declare as follows:

1. I am an attorney with the law firm of Carlson, Caspers, Vandenburg, Lindquist & Schuman, P.A., counsel for plaintiff AGA Medical Corporation (“AGA”) in the above-captioned matter. This declaration is submitted on behalf of AGA in support of its Motion to Exclude Certain Testimony Offered by Mr. Donald A. Gorowsky. This declaration is made on my own personal knowledge, except as otherwise indicated.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the February 15, 2013 Expert Rebuttal Report on Damages of Donald A. Gorowsky, CPA, CMA, CFF, JD (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the October 29, 2012 Covenant Not to Sue issued by AGA, which is also filed as Exhibit A to Docket No. 295.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the March 14, 2013 deposition transcript of Donald A. Gorowsky (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the August 28, 2009 Settlement and License Agreement between Medtronic and Gore produced as WLG01929174-WLG01929227 (designated as “Confidential–Attorneys’ Eyes Only”), which is **Filed Under Seal**.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the December 18, 2009 Settlement Agreement between NMT Medical, Inc., Lloyd A. Marks and Gore produced as WLG01929545-WLG01929557 (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the June 20-21, 2012 deposition transcript (volumes I and II) of Warren J. Cutright (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

8. Attached hereto as **Exhibit 7** is a true and correct copy of the October 4, 2012 Rule 30(b)(6) deposition transcript of Gore’s corporate designee Stuart Broyles (designated as “Confidential Outside Attorneys’ Eyes Only”), which is **Filed Under Seal**.

9. Attached hereto as **Exhibit 8** is a true and correct copy of the November 7, 1994 License Agreement between Curtis Amplatz, Frank Kotula, Kurt Amplatz and Microvena Corporation produced as AGA\_GORE0043882-AGA\_GORE0043891 (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

10. Attached hereto as **Exhibit 9** is a true and correct copy of the first five pages of AGA’s Form S1 submission to the Securities and Exchange Commission dated June 20, 2008, and produced as AGA\_GORE0462412- AGA\_GORE0462416 (designated as “Confidential-Outside Attorneys’ Eyes Only”), which is **Filed Under Seal**.

11. Attached hereto as **Exhibit 10** is a true and correct copy of the June 29, 2001 Acknowledgment of Termination and Mutual Release between Kurt Amplatz, Curtis Amplatz, Frank Kotula, AGA, and Microvena Corporation produced as AGA\_GORE0049622-AGA\_GORE0049626 (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

12. Attached hereto as **Exhibit 11** is a true and correct copy of the June 29, 2001 Royalty Agreement between AGA and Microvena Corporation produced as AGA\_GORE0049629-AGA\_GORE0049636 (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

13. Attached hereto as **Exhibit 12** is a true and correct copy of the June 29, 2001 Exclusive License Agreement between AGA and Microvena Corporation produced as AGA\_GORE0207624-AGA\_GORE0207626 (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

14. Attached hereto as **Exhibit 13** is a true and correct copy of the June 29, 2001 Exclusive License Agreement between AGA and Microvena Corporation produced as AGA\_GORE0049637-AGA\_GORE0049638 (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

15. Attached hereto as **Exhibit 14** is a true and correct copy of the July 3, 2001 Assignment between Microvena Corporation and AGA produced as AGA\_GORE0207648-AGA\_GORE0207649 (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

16. Attached hereto as **Exhibit 15** is a true and correct copy of the July 19, 2001 Royalty Sharing Agreement between AGA and Microvena Corporation produced as AGA\_GORE0043937-AGA\_GORE0043938 (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

17. Attached hereto as **Exhibit 16** is a true and correct copy of an AMPLATZER® Product Catalog produced as AGA\_GORE0174007-0174025 (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

18. Attached hereto as **Exhibit 17** is a true and correct copy of the August 18, 2005 Exclusive License Agreement between AGA and Mark M. Boucek, M.D. produced as AGA\_GORE0207569-AGA\_GORE0207578 (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

19. Attached hereto as **Exhibit 18** is a true and correct copy of the February 18, 2009 Expert Report of Christopher A. Vellturo, Ph.D. produced as

AGA\_GORE02045723-AGA\_GORE02045800 (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

20. Attached hereto as **Exhibit 19** is a true and correct copy of the August 6, 2009 Verdict Form filed in Medtronic, Inc. v. AGA Medication Corporation, U.S.D.C., Northern District of California, Civil No. C07-00567.

21. Attached hereto as **Exhibit 20** is a true and correct copy of United States Patent No. 5,944,738.

22. Attached hereto as **Exhibit 21** is a true and correct copy of the December 1, 1998 letter from Microvena Corporation produced as EV3018223 (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

23. Attached hereto as **Exhibit 22** is a true and correct copy of the March 17, 2000 letter to Gladwin Das from Microvena Corporation produced as UMINN0010236 (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

24. Attached hereto as **Exhibit 23** is a true and correct copy of the August 22, 2001 email to Michael Moore from Paul Buckman produced as UMINN0021035 (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

25. Attached hereto as **Exhibit 24** is a true and correct copy of the March 18, 1998 License Agreement between The Cleveland Clinic Foundation and Gore produced as WL00244844-WL00244853 (designated as “Confidential-Attorneys’ Eyes Only”), which is **Filed Under Seal**.

I state under penalty of perjury that the foregoing is true and correct.

Dated: April 10, 2013

s/Tara C. Norgard

Tara C. Norgard